

### **Remarks**

This communication is considered fully responsive to the Office Action mailed March 4, 2008. Claims 1-20 were examined. Claims 1-20 stand rejected. No claims are currently amended, canceled nor added. Reexamination and reconsideration of claims 1-20 are respectfully requested.

### **Claim Rejections - 35 U.S.C. 101**

The Office Action rejected claims 8-11 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Paragraph 0007 of the Specification was previously amended in the Request for Continued Examination filed 12/28/07. As noted in the presently in-issue Office Action (mailed 3/4/2008), “Applicant’s submission filed on 12/28/07 has been entered” (Office Action of 3/4/08, page 2, first paragraph, lines 5-6). Applicant respectfully notes that the rejection under 35 USC 101 is thus in error as to the content of Applicant’s specification, page 3, paragraph 7, and thus Applicant respectfully requests withdrawal of this rejection.

### **Claim Rejections - 35 U.S.C. 103(a)**

The Office Action rejected claims 1-9, 11-13, and 16-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,199,113 to Alegree [sic, should be Alegre] (hereinafter referred to as “Alegre”) in view of Kobita [sic, should be Kobata] (U.S. 2006/0005237, hereinafter referred to as “Kobata”). The Office Action also rejected claims 10 and 14-15 as being unpatentable over Alegree in view of Kobata and further in

view of Araujo, U.S. Patent No. 7,275,113 (hereinafter “Araujo”). The Applicant respectfully traverses these rejections.

For all of the present obviousness-type rejections, Applicants first note that there is not a one-to-one relationship between the steps and components of any of Alegre, Kobata, Araujo or any combination thereof with those of the claimed developments. Many of the passages cited in the Office Action in attempted support of the rejections are very long and cover numerous steps involving numerous components and the Office Action frequently lacks sufficient precision for the Applicants to adequately understand the rejections. This results in some confusion as to which component or step of any and all of the cited references is being referred to in the Office Action as being asserted relative to which component or step of a claim.

Moreover, the over-arching dissimilarity of all the cited references to the presently claimed developments is that none of the cited references have two separate nodes (client and system nodes) each separately seeking authentication for communication with each other through a third separate node (the data node). Each of the references teach and suggest two discrete entities, the externalized client, and an internalized data/system/control entity.

#### Claims 1, 8, and 12

Specifically, the Office Action states that in Alegre, the control node is 210 in Figure 2, that the client is 110 in Figure 2, and that the system node is 138 in Figure 2.

The Office Action does not indicate which component of Alegre is the functional equivalent of the data node.

Moreover, the cited passages only teach that the user sends a request from a client browser to the web host when the user wants to access the trusted network. There is no teaching that session information is generated (at a control node or any other location) or it is sent anywhere, including to the client, the system node and the data node, which is as yet still unidentified in Alegre. Additionally, in the system of Alegre, only the user is required to be authenticated. There is no teaching that both the client and the system node must be authenticated (i.e., satisfy at least one condition for accessing each other); this much being admitted by the Examiner in the Office Action, page 4 lines 8-9 (“Alegree [sic, should be Alegre] does not explicitly disclose a request from the system node to access the client.”). Note, as described below, Kobata does not cure this lacking.

Moreover, with respect to the second paragraph of claim 1, the Office Action cites column 4, lines 31-39 and lines 43-48 of Alegre. The first of the two passages hereof are directed towards the authentication server validating user authentication information and requesting a session key from a key server. The second of the two passages is directed towards the web host sending presentation information to the client browser. Neither of the passages, nor the combination of the two, teaches the present claim 1 element that “a request [is received at the data node] from the client to access the system node and a request is received [at the data node] from the system node to access the client.”

With respect to the third paragraph of present claim 1, the Office Action cites column 4, lines 48-67 of Alegre. Neither the cited passage nor any other passage in

Alegre teaches or suggests the establishment of “a first secure authenticated connection between the client and the system node via the data node based at least in part on the session information.”

Furthermore, the Office Action posits that Kobata teaches a request from the system node to access the client. First of all, the Office Action does not identify which element(s) of Kobata allegedly correspond to the system node. Moreover, the cited passage of Kobata, page 8, pp. 89, does not teach any request from any system node to access the client. In Kobata, the user initiates the exchange of digital content, and the authentication server merely authenticates the user. There is no “system” node in Kobata identically, or suggestibly. Note, as an e-mail server system, Kobata is not analogous art to the building automation area, particularly where separate system and client nodes exist.

In summary and as an interesting note, the Examiner has taken the prior 102 rejections verbatim from the previous Office Action and restyled them as 103 rejections, adding Kobata and alleging that the combination of Alegre and Kobata renders Applicant’s development obvious. As indicated above, however, Kobata in combination with Alegre fails to render claim 1 obvious. Note also, a fortiori, the rejections based on Alegre alone, which have been withdrawn by the Examiner since the previous Office Action, do not form the basis for an obviousness rejection.

As a further point of law, the Supreme Court case of KSR v. Teleflex; namely, KSR International Co. v. Teleflex Inc., 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007) (discussing how the Court concluded that it would have been obvious to change Asano's fixed pivot point adjustable pedal by replacing the mechanical assembly for throttle

control with an electronic throttle control and to mount the electronic sensor on the pedal support structure) is pertinent. Applicants' presently claimed developments involve far more than a simple addition, replacement, mounting or an upgrade. Indeed, the complete addition of a discrete system node, which itself obtains authentication in addition to the client node, before communication therebetween to occur, is not taught nor suggested by the single client access systems of Alegre and Kobata. Moreover, there is no teaching, suggestion or motivation in or from either of Alegre or Kobata for any modification to arrive at the result here. Alegre is mere network security and Kobata applies to e-mail messaging; no suggestion appears in or from either to achieve separate system and client node authentication.

Furthermore, any combination of Alegre and Kobata provides neither an attainment of all the elements of the claimed developments, nor any expectation of success; See MPEP 2143.03 and 2143.02, respectively. No combination of these references ends with a discrete system node seeking and gaining its own authentication apart from the client node with whom communications would be had. How can any expectation for success be evident if all the parts are not present nor suggested to be?

The processes and systems of Alegre and of Kobata are far removed from the claimed invention and, more importantly, do not perform the same functions either alone or in any asserted combination. Consequently, claims 1, 8, and 12 are not rendered obvious by the combination of Alegre and Kobata.

## Claim 2

With respect to the rejection of claim 2, the Office Action refers to forty-one lines of column 7 covering four paragraphs (lines 2-43) of Alegre as teaching the single step that a request is received at the control node from the client for the session information. A more specific reference would have assisted the Applicants in addressing this rejection and the Applicants are unable to find the claimed step in the passage. In any case, this passage does not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Consequently, claim 2 is not rendered obvious by Alegre and Kobata.

## Claims 3, 9, and 13

With respect to claims 3, 9, and 13, the cited passage of Alegre fails to disclose registering the system node with the control node, or including at least a network address for the system node. The passage only discusses authenticating the user; there is no registration step in the passage. Additionally, the cited passage entirely fails to mention 138, which the Office Action previously alleged to be the system node. In any case, this passage does not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Accordingly, claims 3, 9 and 13 are not hereby rendered obvious by Alegre and Kobata.

#### Claims 4, 19-20

With respect to claims 4, 19, and 20, again, the passage cited in the Office Action which is said to teach the claimed step is extremely long and covers numerous aspects of the invention of Alegre, particularly the manner in which packets are created in response to requests for information from the user. Therefore, the passage does not teach that multiple system nodes are registered, does not teach the existence of a list of registered system nodes, does not teach that the list is provided to the client and does not teach that the desired system node is selected from the list.

Furthermore, the cited passage entirely fails to mention 138, which the Office Action previously alleged to be the system node. And, in any case, this passage does not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Accordingly, claims 4, 19 and 20 are not rendered obvious by Alegre and Kobata.

#### Claims 5 and 17-18

With respect to claims 5, 17, and 18, Alegre fails to disclose notifying the system node when a message is received from the client at the data node. Nor does it disclose a client database operatively associated with the control node (claim 17) or a data structure that identifies authorized users of the system nodes registered with the control node (claim 18). The cited passages (col. 4, lines 55-67; col. 8, lines 28-44) are directed to, respectively, processing a session key, and varying levels of security and user access.

The passages do not disclose notifying a system node when a message is received from the client at the data node; in fact, the cited passages do not point out any data node whatsoever. They do not disclose a client database operatively associated with the control node 210. They do not disclose system nodes registered with the control node 210. In any case, here also these passages do not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Accordingly, claims 5, 17, and 18 are not rendered obvious by Alegre and Kobata.

#### Claims 6-7 and 16

With respect to claims 6, 7, and 17, the cited passage of Alegre (col. 4, lines 55-67) is directed to processing a session key. The mere fact that data of various kinds is transferred among the numerous components of Alegre over various links does not mean that Alegre teaches that specific data (a message from the client) is transferred between two specific components (from the client to the system node) through a third specific component (the data node) over a specific link (the second secure authenticated connection). The cited passage does not include any (a) authenticated connection; (b) data node; (c) second authenticated connection; or (d) system node 138. Moreover, this passage does not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Consequently, claims 6-7 and 16 are not anticipated by Alegre.



### Claims 10, 14-15

The passage of Araujo cited in the Office Action, column 8, lines 41-col. 9, line 31, refers to fifty-seven lines of covering five paragraphs (line 2-43) as teaching the single step that a request is received at the control node from the client for the session information. A more specific reference would have assisted the Applicant in addressing this rejection and the Applicant is unable to find the claimed step in the passage. Furthermore, Araujo is not analogous art, as it does not apply to building automation systems as does Applicant's system and method.

There is no indication that the system of Araujo includes a client database at the control node, that the database contains a dynamic network address for the system node or that the database at the control node is updated on a recurring basis. Consequently, claim 10 is not rendered obvious by the cited references.

Additionally, the Office Action asserts that “[providing] a system with a controller that enables efficient establishment of a communication path via the communication network without requiring the communicating devices to have static addresses” provides the motivation to combine Alegre and Kobata with Araujo. However, the cited passage (col. 10, lines 39-44) discusses communication between the first device and the second device of Araujo, whereas claims 14 and 15 pertain to the contents of the session information and therefore such motivation is irrelevant to the claims.

Furthermore, one of ordinary skill in the art of building automation would not look to a reference on establishing communication between devices. Finally, neither Alegre,

Kobata nor Araujo discuss the status of a system node, much less including the status of the system node in session information as recited in claim 15. And, Araujo does not cure the lacking of discrete system and client nodes each obtaining their own authentications for communication therebetween via the data node. Consequently, claims 10 and 14-15 are not rendered obvious by the cited references and the steps disclosed in claims 10 and 14-15 are patentable over the combination of references.

For at least the foregoing reasons, the independent claims 1-20 are allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of those claims. The dependent claims are allowable for at least the same reasons as the respective independent claims and withdrawal of the rejections of claims 1-20 is respectfully requested.

### **Conclusion**

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

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